

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Marshall Austin,

Plaintiff,

v.

Charleston Day School (“CDS”), Emmie
G. Hershey, Judith Foley Arnstein,

Defendants.

Case No. 2:23-cv-2899-RMG

**DEFENDANTS’ MOTION TO DISMISS
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 12(b)(6)**

Defendants Charleston Day School, Emmie G. Hershey, and Judith Foley Arnstein hereby move to dismiss the Complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim. This motion is based on the accompanying Memorandum in Support of Defendants’ Motion to Dismiss and the exhibits attached thereto. Defendants respectfully ask that the Court schedule oral argument on this Motion.

For the reasons set forth in the Memorandum and supporting material, Defendants ask this Court to dismiss Plaintiff Marshall Austin’s Complaint and to take such further action as this Court deems just and proper. This motion is dispositive and is therefore excluded from those requiring conference of counsel pursuant to Local Civil Rule 7.02.

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